

October 16, 2015

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: Rates For Interstate Inmate Calling, WC Docket No. 12-375

Dear Ms. Dortch:

On October 15, 2015, Phillip Berenbroick and Harold Feld of Public Knowledge (“collectively, Public Knowledge”) met with Chanelle Hardy, Chief of Staff to Commissioner Clyburn, with regard to the above-captioned proceeding.

Public Knowledge supports and applauds the FCC’s proposed Order establishing rate caps. Although Public Knowledge believes the Commission has the authority to ban commissions, Public Knowledge also agrees that imposing a cap on rates, combined with continued close monitoring and review of the industry, will provide enormous and much needed relief for the families of those incarcerated. However, Public Knowledge expressed concern that providers may attempt to illegally impose unjust and unreasonable fees to circumvent the rate cap – particularly if commissions are still required as a cost of doing business.

Public Knowledge therefore urged that the Order contain an explicit reminder that Section 201(b) requires that “all charges, practices, classifications, and regulations for and *in connection with*” any telecommunications services must be just and reasonable.¹ Providers should be put on clear notice that efforts to circumvent the rate caps through artificially high ancillary fees will not be tolerated, that the Commission will act swiftly to investigate any complaint that the introduction of new fees or sudden fee increases are a sham designed to circumvent the protections of the Order and once again charge unjust and unreasonable rates, and that the Commission will not hesitate to initiate its own enforcement action if it becomes aware of any efforts to circumvent the rate cap through new fees or other practices.

In accordance with Section 1.1206(b) of the Commission’s rules, an electronic copy of this letter is being filed in the above-referenced docket. Please contact me with any questions regarding this filing.

Sincerely,

/s/ Harold Feld
Senior Vice President
Public Knowledge

CC: Chanelle Hardy

¹ 47 U.S.C. §201(b) (emphasis added). Additionally, to the extent the Commission relies here in its Section 276 authority, “payphone service” includes “the provision of inmate telephone service in correctional institutions, *and any ancillary services.*” 47 U.S.C. §276(d) (emphasis added).